

DEC 28 2006

Appl. No. 10/765,531

Attorney Docket No.: N1085-00225 (TSMC2003-0656)

Amdt. dated 12/28/2006

N1280-00235

Response to Office Action of 09/28/2006

REMARKS/ARGUMENTS

Claims 1-25 are pending in this application with claims 1-8 having been previously withdrawn from consideration. With claims 1-8 withdrawn, Applicants believe that claims 9-25 were examined and have each been rejected. No claim amendments
5 are being filed herein and Applicants respectfully believe that each of pending claims 9-25, in original pending form, is distinguished from the reference of record. Applicants respectfully request re-examination, reconsideration and allowance of each of claims 9-25.

On page 2 of the subject Office Action, "claims 1-19" were rejected under 35
10 U.S.C. § 102(e) as being anticipated by Makinouchi (USPN 5,969,800), although the Applicants' election of claims 9-25 for further prosecution was acknowledged. Applicants therefore have reason to believe that "claims 1-19" is a typographical error and assume that the Examiner intended to state that claims 9-25 were rejected in this section since this was the only rejection that appears in the Detailed Action and these
15 claims were supposed to have been examined. The complete listing of claims 1-25 appears on pages 2-6 of this paper. The Office Action Summary indicates that claims 9-25 are rejected. Applicants respectfully submit that the rejection of claims 9-25 is overcome for reasons set forth below.

The claimed invention is directed to a method and system for making or repairing
20 photomasks. Makinouchi is directed to an exposure apparatus that uses an already-formed photomask.

Independent claim 9 is directed to "A mask processing system" and recites the feature of:

25 means for processing the feature on the mask or reticle substrate.

Independent claim 16 is directed to "A method for processing one or more oblique features on a mask or reticle substrate" and recites the feature of:

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processing the first feature on the mask or reticle substrate.

Independent claim 21 is directed to "A mask processing system" and recites the features of:

- 5 a mask processing module utilizing the predetermined reference system for processing the feature on the mask or reticle substrate wherein the feature is processed in either the horizontal or vertical reference direction.

The claimed invention is directed to a method and system for making photomasks with oblique features to be used in a photolithography process, not to an exposure apparatus that uses a previously-manufactured mask to expose a mask pattern onto a substrate. Each of the independent claims recites the limitation of "processing" or "means for processing" a mask feature or "wherein the feature is processed" referring to a mask feature. Process and processing are defined in the originally-filed Specification, which recites in paragraph [0021],

- 15 *"The term 'process' or 'processing' in this context intends to include the meaning of making, modifying, examining, verifying, repairing patterns on a mask, or any other similar processing that requires to deal with patterns/features on the mask."*

- 20 Applicants respectfully submit that the enumerated examples and "other similar processing" do not cover the use of a previously-manufactured and intact mask in a scanning exposure apparatus that exposes a mask pattern onto a substrate as does Makinouchi.

- 25 Makinouchi therefore does not teach or suggest the claimed features of "means for processing the feature on the mask or reticle substrate"; or "processing the first feature on the mask or reticle substrate"; or a "mask processing module utilizing the predetermined reference system for processing the feature on the mask or reticle substrate wherein the feature is processed . . . ", such as recited in independent claims 9, 16 and 21, respectively. Independent claims 9, 16 and 21 therefore each include

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features that distinguish Applicants' invention from Makinouchi. Claims 10-15, 17-20 and 22-25 depend from the Independent claims 9, 16 and 21 and are similarly distinguished from Makinouchi.

Each of the pending claims is therefore distinguished from Makinouchi and each
5 of the claim rejections under 35 U.S.C. § 102, should be withdrawn.

CONCLUSION

Based on the foregoing, each of pending claims 9-25 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

10 The Assistant Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to Deposit Account 04-1679.

Respectfully submitted,

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Dated: December 28, 2006


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